IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 5423 OF 2000
IN
FIRST APPEAL NO.121 OF 1983.

Municipal Corporation of
Brihan Mumbai. ... Applicant.

Versus.

Shri Naik Shantilal Muldeo Jani
and others. ... Respondents.

Shri Xavier for the Applicant.

Shri D.S.Sawant for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 7th MARCH, 2006.

P.C.:

1. This Civil Application is opposed by Shri Sawant appearing for some of the Respondents by pointing out that there is a gross delay in filing this Application. Office noting shows that the Civil Application stands dismissed as against Respondent No.1(h). It is true that there is a long delay in filing the application. However, the Appeal has been disposed of as abated. In my view delay deserves to be condoned by compensating the Respondents by ordering the Applicant to pay substantial costs.

2. Accordingly the Application is allowed in terms of prayer clauses (a) to (d) as agaomst Respondents Nos.1(a) to 1(g) and 1(i) to 1(j) subject to condition that the Applicant-Corporation will pay costs of Rs.7500/- to the said Respondents within a period of four weeks from today. The deposit of the amount of

costs in this Court will be treated as sufficient compliance with this order. If the amount of costs is not paid or deposited within the stipulated time, the Application will stand dismissed for want of prosecution. If the compliance is made, office will place the First Appeal for final hearing in the week commencing from 17th April 2006.

Judge.